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115. The compound of claim 114, wherein said pharmaceutically acceptable acid addition salt is selected from the group consisting of salts of hydrochloric acid, sulfuric acid, nitric acid, acetic acid, propionic acid, maleic acid, fumaric acid, carboxysuccinic acid, and citric acid.

REMARKS

In this amendment, Patent Owner has amended claims 1 and 25-34, and added new claims 46-115. Thus, claims 1-115 are pending. The amendment and addition of new claims is intended to overcome prior art issues arising from European Patent No. 402,644 to Strupczewski et al., published on December 19, 1990 (EP '644). These issues were brought to Patent Owner's attention in related U.S. Application Serial No. 08/468,611 (Attorney Docket No. 2489.0058).

Specifically, Patent Owner has amended claims 1 and 30-33 to remove R₂₁ and R₂₂ from the definition of R₁ and to remove certain definitions of R and R₅. Patent Owner has also amended claims 1 and 30-33 to limit the definition of Y when p is 2; claims 25 and 26 to remove hydroxy and halogen from the definition of Y when p is 2; and claims 27-29 to remove 2 from the definition of p. Finally, Patent Owner has amended claims 25-29 to add provisos from claim

1. Accordingly, claims 1 and 25-33, and claims dependent thereon have been amended to conform the definitions of R₁, R, R₅, Y, and p to those definitions recited in prior U.S. Application Serial No. 07/456,790, filed December 29, 1989, now abandoned (the '790 application). Claims 1 and 25-33 and claims dependent thereon are therefore entitled to benefit of the December 29, 1989, filing date of the '790 application. Because EP '644 was published on December 19, 1990, i.e., after the filing date of the '790 application, EP '644 is not available as

prior art under 35 U.S.C. §102 for these claims. Thus, claims 1 and 25-33 and claims dependent thereon are not anticipated or rendered obvious by EP '644.

Patent Owner has added independent claims 46 and 66 to cover subject matter removed from original claim 1 of the '911 patent. Claim 46 is directed to the compounds of patented claim 1 wherein R₁ is R₂₁, while claim 66 is directed to compounds of patented claim 1 wherein R₁ is R₂₂. Dependent claims 47-65 and 67-85 correspond to patented claims 2-13, 35-39, and 44-45. EP '644 does not teach or suggest additional linking groups besides -(CH₂)_n-, as now recited in claims 46 and 66. In particular, EP '644 does not teach or suggest that the moiety linking the piperidine or piperazine ring to the phenoxy substituent may be an alkene or alkyne group (as required by claim 46), or a substituted alkane, alkene, or alkyne group (as required by claim 66). Thus, EP '644 does not teach or suggest new claims 46-85.

Patent Owner has also added independent claims 86-95 to cover subject matter removed from original claims 30-33 of the '911 patent. Claims 86, 88, 90, 92, and 94 are directed to the compounds of patented claims 30-34 wherein R₁ is R₂₁, while claims 87, 89, 91, 93, and 95 are directed to compounds of patented claims 30-34 wherein R₁ is R₂₂. EP '644 does not teach or suggest additional linking groups besides -(CH₂)_n-, as now recited in claims 86-95. In particular, EP '644 does not teach or suggest that the moiety linking the piperidine or piperazine ring to the phenoxy substituent may be an alkene or alkyne group (as required by claims 86, 88, 90, 92, and 94), or a substituted alkane, alkene, or alkyne group (as required by claims 87, 89, 91, 93, and 95). Thus, EP '644 does not teach or suggest new claims 86-95.

Patent Owner has also added independent claim 96 to cover subject matter removed from original claim 1 of the '911 patent. Claim 96 is directed to the compounds of patented claim 1

wherein at least one of the R substituents is selected from the group consisting of dialkylaminocarbonyl, formyl, -C(=W)-alkyl, -C(=W)-aryl, and -C(=W)-heteroaryl. Dependent claims 97-115 correspond to patented claims 2-13, 35-39, and 44-45. EP '644 does not teach or suggest that at least one R group must be dialkylaminocarbonyl, formyl, -C(=W)-alkyl, -C(=W)-aryl, or -C(=W)-heteroaryl. Thus, EP '644 does not teach or suggest new claims 96-115.

Finally, Patent Owner has amended the title and claims to correct various typographical errors. These amendments do not present new issues for consideration.

For the foregoing reasons, Patent Owner respectfully submits that claims 1-115 are in condition for allowance, and early notification to this effect is courteously requested.

If there are any fees due in connection with the filing of this response not already accounted for, please charge the fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: Lara C. Kelley

Lara C. Kelley
Reg. No. 41,551

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